

## Message Text

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SUBJECT: REQUEST FOR US EXPERT SPEAKER IN LEGAL SEMINAR

REF: EC A-63, MARCH 22, 1974

1. THE ASSOCITION BELGE DES JURISTES D'ENTREPRISE (ASSOCIATION OF BELGIAN COMPANY LAWYERS) AND LEGAL ASSOCIATIONS FROM FRANCE, THE UK AND THE NETHERLANDS ARE SPONSORING A COLLOQUIUM ON PRODUCT AND SERVICE LIABILITY ON APRIL 24-25 IN BRUSSELS. A SIMILAR COLLOQUIUM ON THE SUBJECT OF "CURRENT LEGAL PROBLEMS IN CONTRACTS IN THE EEC" WAS HELD LAST YEAR (SEE REFERENCE AIRGRAM). THIS YEAR'S COLLOQUIUM WILL COVER THE PRELIMINARY EC DRAFT DIRECTIVE ON PRODUCT LIABILITY, THE COUNCIL OF EUROPE'S DRAFT CONVENTION AND THE HAGUE CONVENTION ON PRODUCT LIABILITY AND PRODUCT LIABILITY REGARDING NUCLEAR AND AERONAUTICAL RISKS, PHARMACEUTICALS AND FOOD. THE SPEAKERS ARE THE MAJOR LEGAL AUTHORITIES IN EUROPE ON THE SUBJECT (E.G. TUNC, VAN GERVEN, FICKER, ALBANESE, BELICHET, DALCQ). TWO HUNDRED LAWYERS AND REPRESENTATIVES OF MAJOR COMPANIES INCLUDING MANY FROM US MNE'S ARE EXPECTED TO ATTEND.

2. THE ORGANIZERS HAVE RUN INTO ONE PROBLEM WHICH THEY CONSIDER VERY SERIOUS. PROFESSOR JOHN G. FLEMING OF THE UNIVERSITY OF CALIFORNIA AT BERKELEY, REGARDED BY MANY AS THE LEADING AUTHORITY ON PRODUCT LIABILITY IN UNCLASSIFIED

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THE US AND WHO WAS THE US OBSERVER DURING THE MEETINGS

IN STRASBOURG ON THE COUNCIL OF EUROPE'S DRAFT CONVENTION, INITIALLY AGREED TO ADDRESS THE COLLOQUIUM ON THE AMERICAN LAW REGARDING PRODUCT LIABILITY. HE LATER TOLD THE ORGANIZERS THAT HE WAS NOT ABLE TO SECURE FUNDS FOR THE TRIP FROM CALIFORNIA TO BRUSSELS. WE HAVE BEEN ASKED TO SEE IF THERE MIGHT BE US GOVERNMENT FUNDS AVAILABLE TO HELP DEFRAY THE COSTS OF PROFESSOR FLEMING'S SECOND CLASS AIR TRAVEL ROUNTRIP CALIFORNIA TO BRUSSELS.

3. OUR JUDGMENT IS THAT THE COLLOQUIUM IS OF CONSIDERABLE IMPORTANCE TO THE US GOVERNMENT AND US PRIVATE INDUSTRY. IT WOULD BE USEFUL IF PROFESSOR FLEMING COULD PARTICIPATE. ALTHOUGH WE ARE UNAWARE OF ALL OF THE ISSUES INVOLVED, WE BELIEVE THAT PROFESSOR FLEMING'S ACTIVE PARTICIPATION COULD INFLUENCE EUROPEANS IN THINKING ALONG LINES THAT HAVE BEEN ADOPTED IN THE US ON PRODUCER LIABILITY. WE WOULD, OF COURSE, ALSO WISH TO HAVE PROFESSOR FLEMING SPEAK WITH EC COMMISSION OFFICIALS WHO ARE PREPARING THE EC COMMISSION DRAFT DIRECTIVE ON PRODUCT LIABILITY WHILE HE IS IN BRUSSELS.

4. REQUEST: BECAUSE OF THE SHORT PERIOD BEFORE THE COLLOQUIUM WE WOULD APPRECIATE A RESPONSE FROM THE DEPARTMENT AS SOON AS POSSIBLE AS TO WHETHER ANY FUNDING WOULD BE AVAILABLE FOR PROFESSOR FLEMING'S PARTICIPATION IN THE COLLOQUIUM.

GREENWALD

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